

## **REMARKS**

Applicants reply to the final Office Action dated October 4, 2010 within two (2) months. The Examiner rejects all pending claims 1-3, 6 and 21-25. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Applicants assert that the application is in condition for allowance and reconsideration of the pending claims is requested.

### **Rejections Under 35 U.S.C. § 103(a)**

The Examiner rejects claims 1, 2, 6 and 23-25 under 35 U.S.C. § 103(a) as being unpatentable over MacFarlane (U.S. Patent No. 7,014,104) in view of DonationDepot.com, Miller (U.S. Patent Application No. 2001/0051875), and Major (U.S. Patent Application Publication No. 2002/0174063). The Examiner rejects claim 3 under 35 U.S.C. § 103(a) as being unpatentable over MacFarlane, DonationDepot.com, Miller, and Major in view of Chien (U.S. Patent Application Publication No. 2001/0054003). The Examiner rejects claims 21-22 under 35 U.S.C. § 103(a) as being unpatentable over MacFarlane, DonationDepot.com, Miller, and Major in view of Global Action on Aging. Applicants respectfully disagree with the Examiner's rejections; however, Applicants amend certain pending claims (without prejudice or disclaimer) to expedite prosecution and to clarify the patentable features of the claims.

MacFarlane discloses a system which allows charitable donations to be created by an employee and matched by an employer. However, the system does not provide a set of employer defined predetermined rules governing the amount of a matching donation based on the type of organization receiving the donation. Moreover, the system does not disclose that a confirmation of an employee's donation amount is provided to the employer before the employer makes its donation.

Miller is limited to an internet based portal for making donations directly to a charitable organization website. Like MacFarlane, Miller fails to provide a set of employer defined predetermined rules governing the amount of a matching donation based on the type of organization receiving the donation. Miller does disclose a confirmation that is displayed to a user which provides donation information. However, like MacFarlane, Miller does not disclose that a confirmation of a donation amount is provided to the employer before the employer makes its donation. In other words, the system disclosed by Miller is not capable to confirming for an

employer that an employee actually made a donation that would be entitled to be matched by the employer.

Major discloses a system for tracking charitable donations that originate from purchases at a merchant. However, like MacFarlane and Miller, Major fails to provide a set of employer defined predetermined rules governing the amount of a matching donation based on the type of organization receiving the donation. Major provides that a donation may be allocated across a plurality of charities. However, the donation is not a matching donation. Instead, Major allows the user to specify a threshold for donations to each charity. For example, Major allows a user to set a cap for donations to a first charity, and once the cap is reached, the donations are provided to a second charity.

Major creates donations in response to purchases, not in response to an initial donation. As such, like McFarlane and Miller, Major does not disclose that a confirmation of a donation amount is provided to the employer before the employer makes its donation. Further, the percentage disclosed in Major partitions the donations based on a user's preferences, not based on a set of predetermined rules from the donating organization.

Similarly, neither DonationDepot.com, nor Chien, nor Global Action on Aging disclose or contemplate systems that cure the deficiencies of MacFarlane, Miller, or Major, as discussed above.

As such, Applicants assert that the cited references alone or in combination do not disclose or contemplate at least, "transmitting, by the computer based system, a request for a matching employer donation, wherein the request comprises the donation amount and the confirmation that the donation amount was posted to at least one of the transaction account and the loyalty account" as similarly set forth in independent claims 1, 24, and 25.


Claims 2-3, 6, and 21-23 variously depend from independent claim 1. As such, Applicants assert that claims 2-3, 6, and 21-23 are differentiated from the cited references for the same reasons as set forth above, in addition to their own novel features. Thus, Applicants respectfully request allowance of all pending claims.

Applicants respectfully submit that the pending claims are in condition for allowance. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-2814**. If an extension of time is necessary, please accept

this as a petition therefore. Applicants invite the Office to telephone the undersigned if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,

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